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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
 (HONORABLE BARRY T. MOSKOWITZ)

UNITED STATES OF AMERICA,)	Criminal No. 08CR0717-BTM
)	
)	DATE: April 18, 2008
)	TIME: 1:30 P.M.
)	
Plaintiff,)	MEMORANDUM OF POINTS AND
)	AUTHORITIES IN SUPPORT OF
v.)	DEFENDANT'S MOTIONS
AURELIANO CASTILLO-SANCHEZ,)	
)	
Defendant.)	

I.

STATEMENT OF FACTS¹

On February 12, 2008, Mr. Castillo-Sanchez was arrested for illegal entry pursuant to 8 U.S.C § 1326 at the San Ysidro Port of Entry. Prior to that, Mr. Castillo-Sanchez was regarded and fingerprinted. According to documents provided by the government, Mr. Castillo-Sanchez was attempting to enter because his son had recently died and he wanted to visit the grave sight and pay his respects.

II.

COMPEL ALL DISCOVERABLE MATERIAL

Mr. Castillo-Sanchez requests all discoverable material pursuant to Federal Rule of Criminal Procedure 16, Brady v. Maryland, 373 U.S. 83 (1963), Giglio v. United States, 405 U.S. 150 (1972). This

¹ These "facts" are based on discovery provided by the government. Mr. Castillo-Sanchez does not concede the veracity of any of these allegations.

1 includes material that may support any defense pre-trial motions. See United States v. Cedano-Arellano, 332
2 F.3d 568 (9th Cir. 2003) (Rule 16 applies to discovery material to defense pre-trial motions); United States
3 v. Gamez-Orduno, 235 F.3d 453, 462 (9th Cir. 2000) (Brady applies to material supporting defense pre-trial
4 motions). Mr. Castillo-Sanchez also requests any evidence that the government may potentially attempt to
5 enter vis-a-vis rule Federal Rule of Evidence 404(b).

6 Mr. Castillo-Sanchez also requests the court to order access to his "A-File" pursuant to Rule
7 16(a)(1)(B) of the Federal Rule of Criminal Procedure, which provides that "upon request of the defendant,
8 the government shall furnish to the defendant such copy of his prior criminal record, if any, as is within the
9 possession, custody, or control of the government"

10 Mr. Castillo-Sanchez requests all arrest reports, investigator's notes, memos from arresting officers,
11 dispatch tapes, sworn statements, and prosecution reports pertaining to Mr. Castillo-Sanchez and available
12 under Fed. R. Crim. P. 16(a)(1)(B) and (C), Fed. R. Crim. P. 26.2 and 12(I). Mr. Castillo-Sanchez
13 specifically requests that all dispatch tapes or any other audio or visual tape recordings which exist and which
14 relate in any way to his case and or his arrest be preserved and provided in their entirety.

15 Specifically, Mr. Castillo-Sanchez requests a copy of the audiotape of *any* deportation hearing, as
16 well as a transcript of any such proceeding.

17 **III.**

18 **LEAVE TO FILE FURTHER MOTIONS**

19 Mr. Castillo-Sanchez has not yet received all requested discovery nor viewed his "A-File." After
20 doing so, it is likely that Mr. Castillo-Sanchez will need to file additional motions. Mr. Castillo-Sanchez
21 respectfully requests the court leave to file further motions if necessary.

22 **IV.**

23 **CONCLUSION**

24 Mr. Castillo-Sanchez requests that the Court to grant the above motions.

25 Respectfully submitted,

26 Dated: April 8, 2008

27 /s/ Erick L. Guzman
28 ERICK L. GUZMAN
Federal Defenders of San Diego, Inc.
Attorneys for Mr. Castillo-Sanchez